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In re Application of RASSOULIAN	:	
U.S. Application No.: 10/579,138	:	
PCT Application No.: PCT/GB03/05062	:	DECISION
Int. Filing Date: 20 November 2003	:	
Priority Date Claimed: 21 November 2002	:	
Attorney Docket No.: 2-424	:	
For: ARM SUPPORTS	:	

This is in response to applicant's "Petition Under Rule 1.137(b) to Revive Unintentionally Abandoned Application" filed 15 May 2006.

BACKGROUND

On 20 November 2003, applicant filed international application PCT/GB03/05062, which claimed priority of an earlier United Kingdom application filed 21 November 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 03 June 2004. The thirty-month period for paying the basic national fee in the United States expired on 21 May 2005.

International application PCT/GB03/05062 became abandoned as to the United States for failure to timely pay the basic national fee.

On 15 May 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The delay in prosecuting this case (i.e. filing the declaration and paying the filing fee) was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 20 November 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 May 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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